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AUG 06 2007

OFFICE OF PETITIONS

In re Application of :
Katagiri, et al. :
Application No. 09/887,272 :
Filed: June 23, 2001 :
Attorney Docket No. 50009USNP :
For: PLANT GENES INVOLVED IN
DEFENSE AGAINST PATHOGENS

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 16, 2007, to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." Petitioners are advised that this is not a final agency decision.

This application became abandoned for failure to timely reply to the non-final Office action, mailed July 3, 2006, which set an extendable three month period for reply. No extensions of time being obtained and no reply being filed, the application became abandoned on October 4, 2006. A Notice of Abandonment was mailed on February 12, 2007.

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply, unless previously filed.;
- (2) the petition fee as set forth in 37 CFR 1.17(m);
- (3) a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

- (4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant petition does not satisfy requirement (1) above.

Petitioners assert that the reply filed with the present petition is a continuing application. A review of Office databases does not reveal that a **continuing** application was filed on January 16, 2007. Please provide the Office with the application number of the **continuing** application purportedly filed on January 16, 2007.


Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
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By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 – ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions